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Donna A. Bradshaw

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TRANSCRIPT OF PROCEEDINGS

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

IN THE MATTER OF:

PR DOCKET NO. 93-231

Charleston, West Virginia

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MAR 8 - 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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FREE STATE REPORTING, INC.
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

MAR 8 - 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the matter of:)

CAPITOL RADIOTELEPHONE COMPANY, INC.)
a/k/a CAPITOL RADIOTELEPHONE, INC.)
or CAPITOL RADIO TELEPHONE, INC.)
d/b/a CAPITOL PAGING AND)
RAM TECHNOLOGIES, INC.)

PR DOCKET NO. 93-231

Charleston, West Virginia

The above-entitled matter came on for hearing pursuant to
Notice before Judge Joseph Chachkin, Administrative Law Judge,
at 2000 L Street, N.W., Washington, D.C., in Courtroom 3, on
Monday, February 7, 1994, at 9:33 a.m.

APPEARANCES:

On behalf of Capitol Radiotelephone:

KENNETH E. HARDMAN, Esquire
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On behalf of RAM Technologies:

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On behalf of FCC Private Radio Bureau:

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Washington, D.C.

FREE STATE REPORTING, INC.
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I N D E X

<u>Witness</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
J. Michael Raymond				
By Mr. Joyce		830		
By Ms. Laden		1012		

E X H I B I T S

<u>Exhibits</u>	<u>Identified</u>	<u>Received</u>	<u>Rejected</u>
RAM Exhibit No. 1	888		891
RAM Exhibit No. 2	940		955
RAM Exhibit No. 3	958		
Hearing began: 9:33 a.m.	Hearing Ended: 4:03 p.m.		
Lunch Break Began: 12:32 p.m.	Lunch Break Ended: 1:40 p.m.		

P R O C E E D I N G S

1
2 JUDGE CHACHKIN: Let's go on the record. Any
3 preliminary matters before we continue with the cross-
4 examination of Mr. Raymond? If not -- do you have something
5 Mr. Joyce?

6 MR. JOYCE: Briefly, Your Honor. Just a
7 clarification in regard to Capitol's exhibits --

8 JUDGE CHACHKIN: Yes?

9 MR. JOYCE: -- that were submitted into the record
10 last week. It's a minor point, but we were talking about
11 whether or not the documents submitted behind -- submitted as
12 part of the NABER records --

13 JUDGE CHACHKIN: Yes?

14 MR. JOYCE: -- Capitol Exhibit 18?

15 JUDGE CHACHKIN: Yes?

16 MR. JOYCE: We were discussing whether or not they
17 represented all the records in the files and there is some
18 question about whether or not they did. And I just wanted to
19 draw Your Honor's attention to Capitol Exhibit No. 4, page 17.

20 JUDGE CHACHKIN: Capitol Exhibit No. 4? Is that
21 what you're saying?

22 MR. JOYCE: Yes.

23 MR. HARDMAN: I'm sorry. Which page?

24 MR. JOYCE: Page 17. I didn't recall making this
25 request myself until after Friday's proceedings. I had made a

1 similar request to NABER for copies of these records back in
2 1990 and they didn't produce them to me. I just -- there was
3 some confusion on that point last Friday. I just wanted to
4 clarify.

5 JUDGE CHACHKIN: What, what is it --

6 MR. JOYCE: I'm not certain why NABER produced these
7 records in response to Mr. Hardman's request and not to mine,
8 but I did make the request.

9 JUDGE CHACHKIN: All right.

10 MR. HARDMAN: Do, do you want an answer, Your Honor?

11 JUDGE CHACHKIN: Yes, would you Mr. Hardman?

12 MR. HARDMAN: Because if they did not cooperate
13 voluntarily I would have subpoenaed the records because this
14 was -- this occurred after the case was designated for
15 hearing. So, the, the voluntary cooperation was in lieu of
16 formal procedures.

17 JUDGE CHACHKIN: We had a different situation once
18 the case was -- for hearing and they had a choice of either
19 being subpoenaed or voluntarily turning over the documents.
20 Apparently your request was made prior to any designation for
21 hearing. All right. Continue, Mr. Joyce.

22 MR. HARDMAN: Your Honor?

23 JUDGE CHACHKIN: Yes?

24 MR. HARDMAN: May I approach the witness at this
25 time?

1 JUDGE CHACHKIN: Oh, yes, certainly. It's your own
2 witness, Mr. Hardman. All right. Mr. Joyce?

3 CROSS-EXAMINATION

4 BY MR. JOYCE:

5 Q Good morning, Mr. Raymond.

6 A Good morning.

7 Q Mr. Raymond, we left off on Friday and I believe you
8 had testified that you had no prior paging experience before
9 joining Capitol. Is that correct?

10 A To a limited degree, yes, sir. As, as far as full-
11 time employment, I had -- five years ago.

12 Q And that was your idea for Capitol to get a PCP
13 license in the latter part of 1989?

14 A Yes, sir.

15 Q Now, I had asked you about how many paging customers
16 Capitol has and I believe you said 5,000 but I didn't clarify
17 whether that's customers or paging units.

18 A I don't remember your question, and I don't remember
19 saying 5,000. I believe in the testimony it'll, it'll tell
20 you we have approximately 2,900 paging companies -- customers.
21 However, that is paging customers, not units.

22 Q Okay. Now, is that today or back in 1989?

23 A That's, that's today, sir.

24 Q Today?

25 A Yes, sir.

1 Q Okay. Do you recall about how many it was back in
2 1989?

3 A Yes, sir, absolutely.

4 Q And about how many was there?

5 A Customers or units?

6 Q Why don't you give me both?

7 A I would rather not give a exact amount of pagers. I
8 would prefer to go customer line, but I will answer both ways.
9 When I came with Capitol Radiotelephone, Capitol Paging in
10 February 1st of 1989, we had approximately 2,000 paging units
11 in operation, in inventory. In the end of 1989, we had a
12 growth rate which was the largest in the history of the
13 company which in excess of 41 percent. In 1990, we had a
14 growth rate of 28 percent. We have continued positive up till
15 the end of 1993, and today we have in excess of over 10,000
16 paging units in operation with 2,900-plus customers.

17 Q Okay. So, I gather by the end of 1989 with a 40-
18 percent growth rate, and I'm not trying to pin you down on the
19 exact numbers, understand?

20 A I would be glad to give them to you.

21 Q You, you had approximately 2,400 paging units?

22 A No, sir. Approximately 2,000. That was inventory
23 and in usage. At -- in February 1st of '89 --

24 Q No, I don't --

25 A -- when I came on --

1 Q At the end of 1989 -- I'm, I'm assuming with a 40-
2 percent growth rate that on February 1, 1990, you had
3 approximately 2,400 paging units?

4 A If that's what the mathematics works out to, yes,
5 sir.

6 Q Okay. Thank you.

7 MR. HARDMAN: Are, are you testing his math? I
8 mean, that's not my math.

9 MR. JOYCE: 40-percent growth rate of --

10 MR. HARDMAN: It, it works out to 800 to my math.
11 Do I have New Math?

12 MR. RAYMOND: I do believe 40 percent of, of 2,000
13 is 400, sir. It's 800, I'm sorry. It was 800. Two times
14 four is eight.

15 BY MR. JOYCE:

16 Q 800. It is whatever it is. I'm not trying to put
17 words in your mouth.

18 A I'm not --

19 Q I'm just trying to get an idea of approximately in
20 1990 when you're starting to get into the PCP business
21 approximately how many paging units you had in service. So,
22 it could have been 24- to 2,800?

23 A It would have been 2,800-plus. If it was over -- it
24 was a 41-percent increase.

25 Q Something between 2,800 and 3,000?

1 A So be it.

2 Q All right. Thank you. And I asked you on Friday if
3 you knew approximately how paging customers were on RAM's PCP
4 system back then and I believe you said fairly categorically
5 that you had no idea.

6 A No, I have no idea.

7 Q Now, your paging service market area overlaps with
8 RAM Technologies I presume.

9 A In, in some areas, yes, we page areas they don't,
10 they page areas we don't, but I think the thrust of this is
11 the Charleston and Huntington market, yes, sir.

12 Q Okay. So, Charleston and Huntington would be where
13 your salespeople would be competing against RAM salespeople.
14 Is that fair to say?

15 A That's fair to say.

16 Q Okay. And the approximate population of Charleston
17 is what?

18 A Right now, it -- I have no idea.

19 Q You've lived there for how long?

20 A I was born and raised there.

21 Q You were born -- well, I presume you have a fair
22 idea how many people are in your principal service market
23 area.

24 A No, sir, I really don't.

25 Q You have absolutely no idea?

1 A No, sir.

2 Q Under 100,000?

3 A I'm, I'm going to say in excess of 100,000.

4 Q Okay. Between 100- and 200,000?

5 A You're asking me to speculate and I really don't
6 know, sir.

7 Q No, I'm not asking you to speculate. But you've
8 lived there all your life. I find it a little odd that you
9 wouldn't know what the population of your hometown is.

10 JUDGE CHACHKIN: Well, there's census data. You
11 want to put in, put in the census data? Why, why are we
12 wasting time with speculation?

13 BY MR. JOYCE:

14 Q And in Huntington, Mr. Raymond?

15 A I, I have no idea, sir.

16 Q Okay, but they're not towns on the order of New York
17 City or Washington, D.C., that's fair to say, correct?

18 A No, sir, they're not.

19 Q All right. My questions weren't to, to test your
20 knowledge of the, the census data, Mr. Raymond, but to focus
21 on the, the obvious fact that these are, are not huge towns.
22 In fact, you testified on Friday that Charleston is kind of a
23 small town, correct?

24 A Charleston is the largest town in the State of West
25 Virginia. In comparison to Washington, D.C., I would call it

1 a small town. Huntington is the second-largest and I believe
2 Parkersburg is the third. I cannot introduce that as fact,
3 that's, that's hearsay, but that's what I've heard.

4 Q All right. Again, this is not a census test of you,
5 Mr. Raymond. But so it should be no great surprise that you
6 were aware of RAM's paging business in those relatively small
7 towns and vice versa, RAM would be aware of Capitol, correct?

8 A That we were marketing --

9 Q Yeah.

10 A -- that they're in business? Absolutely. Sure.

11 Q And I presume it would also be not unusual at all
12 for your salespeople to know who RAM's customers are and vice
13 versa.

14 A I think it may be unusual under certain
15 circumstances. Yes, absolutely.

16 Q Well, even with a, a town on the order of 100,000 to
17 200,000, I presume your biggest customers are, are business
18 customers, correct?

19 A Yes, sir.

20 Q So, within those two communities, Charleston and
21 Huntington, there's only so many businesses, there's only so
22 many tradespeople, so many businesses who are going to be
23 likely to be your paging customers, correct?

24 A That would be someone's paging customers, customers,
25 yes, sir.

1 Q Okay.

2 A If they're utilizing paging.

3 Q Okay. So, so my point, Mr. Raymond, is that both
4 RAM Technologies and Capitol at some point are competing for
5 the same limited number of business customers in those two
6 communities. Isn't that correct?

7 A There are always bidding situations. Some of the
8 larger accounts when they're into large numbers of pagers will
9 put it out on bids, yes, sir, under those circumstances. The
10 ones, the twos, the tens, the twenty paging units that
11 possibly do not go out on bids, I would have no idea if RAM
12 was going for it or if they -- I don't believe they would have
13 an idea if we were going for it unless they had an inside
14 information. That is something that's not required to be made
15 public knowledge.

16 Q Sure. But your salespeople talk to each other
17 obviously don't they?

18 A Our salespeople, Capitol?

19 Q Yes.

20 A Sure. Our, our, our salespeople discuss things
21 amongst themselves.

22 Q And they go out there and they make a sales pitch
23 and they probably heard from that customer, well, you know,
24 RAM's salespeople were here just yesterday too, can you beat
25 that offer. That happens pretty routinely, correct?

1 A I would not say in those words. They may or may not
2 make us aware that they have contacted RAM Paging or American
3 Mobilephone or Page One. Certainly, that's up to that
4 customer.

5 Q But, Mr. Raymond, the point of all this is, I mean,
6 that's obviously the only way that you found out that RAM was
7 back in town, that you heard that they were out there selling
8 paging units, correct?

9 A No, sir. Look in the phone book, Mr. Moyer likes to
10 advertise heavily on the radio. It's quite obvious that, that
11 there are other methods of finding out that there's another
12 paging company coming in.

13 Q Now, I presume that Capitol didn't -- wasn't
14 particularly thrilled at the prospect of having another paging
15 company competing in those small communities.

16 A I don't think any business is thrilled when more
17 competition comes.

18 Q It would have been hard on Capitol based on the fact
19 that these are relatively small towns and there are only so
20 many customers to, to go around, correct?

21 A Well, we, we took a different attitude or approach
22 to it, needless to say, because that's comparing two different
23 type of paging systems, an RCC to a private carrier. So, even
24 though they both utilize the same type of equipment, they are
25 different requirements on -- or at least I was under the

1 | intention that there were different requirements on whom a
2 | private carrier paging system could lease, sell a pager to;
3 | that they did have a shared frequency that would limit them to
4 | share that frequency time with other companies; that, that
5 | they were falling under different rules and regulations of an
6 | RCC where we are allowed to sell to individuals or anyone and
7 | ours is a guarded frequency that we don't have to share it.
8 | So, if those type of things were explained, well, they don't
9 | have to be explained, it's the law. They are different.

10 | Q Okay. Mr. Raymond, my question was simply I presume
11 | that it was hard on Capitol when RAM came into these small
12 | communities and began competing against your business. That,
13 | that was all I was asking. Isn't that true?

14 | A Then I would say no.

15 | Q No?

16 | A No.

17 | Q But isn't it true that Charleston and Huntington are
18 | in coal mining country and these are not areas that are seeing
19 | a lot of growth in business, so it would have been difficult
20 | for you to face additional competition for the same limited
21 | number of business customers? Isn't that true?

22 | A Let me clarify something, sir. Not every place in
23 | West Virginia is coal mining companies, all right? We do not
24 | have coal mines in the middle of downtown Charleston and
25 | downtown Huntington. We are a very large hub, Charleston is,

1 of three interstates connection which has turned into one of
2 the largest convention centers in the, in the United States.
3 It is very heavily government-oriented and I've lived there
4 all of my life and in my drives from Charleston to Huntington
5 I've never seen a coal miner.

6 Q Now, some RAM employees testified earlier last week,
7 Mr. Raymond, that they learned that your company was getting a
8 PCP license because your salespeople were talking to RAM
9 customers. Do you remember that?

10 MR. HARDMAN: Your Honor, I object to the form of
11 the question as assuming facts not in evidence. I, I didn't
12 hear any such testimony.

13 JUDGE CHACHKIN: I don't recall it either, frankly.

14 BY MR. JOYCE:

15 Q Mr. Raymond, you're aware of the fact that --

16 JUDGE CHACHKIN: Why don't you ask your question
17 without asking -- prefacing what, what your client -- what RAM
18 people testified to?

19 BY MR. JOYCE:

20 Q I will. Thank you, Your Honor. Mr. Raymond, isn't
21 it true that -- well, that won't help will it? Mr. Raymond,
22 you're aware of the fact that RAM Technologies has stated that
23 they learned that Capitol was getting into the PCP business
24 because of statements that your salespeople made to RAM
25 customers?

1 A That is not the way I heard the testimony, sir.

2 Q But I'm not asking about the, the testimony. I'm
3 just asking you about the -- your knowledge of that statement
4 that I just made. Isn't it true that you are aware of that?

5 A I'm aware of what Mr. Moyer testified, that -- he
6 said that Motorola people told him, sir.

7 Q But from other sources, Mr. Raymond, you would have
8 been aware of that allegation, would you not?

9 A Go ahead and repeat your question.

10 Q From any source whatsoever you knew that RAM had
11 alleged that Capitol's salespeople had been talking to RAM
12 customers about the fact that Capitol was going to get a PCP
13 license. Isn't that correct?

14 A Yes and no. And the reason I say I'm aware of that
15 allegation due to the, the facts and, and the filings that RAM
16 filed on us, I'm not aware to the fact by ever hearing someone
17 say that to a customer.

18 Q You don't, you don't have -- you didn't speak to a
19 RAM customer yourself about it. Is that what you're saying?

20 A No, I don't have those -- I don't get the
21 opportunity. I have explained to RAM customers since we have
22 received the -- our license the difference between a private
23 carrier and an RCC. That is part of our marketing is to
24 educate the public on the usages of pagers, the different
25 types of pagers. And now since the, the conception of the

1 private carrier system, the difference between a private
2 carrier and an RCC.

3 Q Now, Mr. Raymond, I believe you testify in your
4 direct testimony that as an RCC you are limited in being able
5 to compete on prices with PCPs. Is that correct?

6 A West Virginia is a tariff state, yes, sir. We, we
7 have prices that we are required that no less than we can
8 charge.

9 Q Okay. So, is it your testimony then that you could
10 not compete against PCPs on prices?

11 A That's a broad question. I, I have -- if they are
12 charging our rates then of course we can compete. However, if
13 they wanted to rent a pager for a penny a month, for five
14 dollars a month, or go into a bidding situation which is quite
15 evident in the Huntington market they weren't bidding against
16 us, they were bidding against American Mobilephone, and they
17 would drop their prices what -- and this is -- I'm, I'm going
18 to say this is things that were told to me by the manager of
19 American Mobilephone, that because they had a much lower
20 tariff than us. They would put six dollars in and RAM would
21 come in at five dollars and it's public knowledge that our
22 rates are fifteen dollar tarified and ten dollars tarified on
23 digitals, that we could not go below that price. So, it
24 doesn't take a rocket scientist to figure out if you're going
25 into a bidding situation and you want to underbid us on price,

1 bid, bid \$9.95 and you will be our price because anyone, it's
2 the law, can walk into the Public Service Commission and get
3 our tariff.

4 Q So, if you've answered my question, then if you
5 couldn't compete against PCPs on price, then I presume the
6 only other way you could compete against them was to tell your
7 customers your -- the quality of your service was better than
8 PCPs. Isn't that correct?

9 A I don't quite understand your question.

10 Q I'll repeat it.

11 A Okay.

12 Q If you as an RCC, Capitol, could not compete against
13 RAM's PCP service on the basis of price which I believe is
14 what you just told me, correct?

15 A That's correct.

16 Q Then I presume the only other way you could compete
17 against them was on the basis of quality of service, correct?

18 A Quality of service, 24-hour service, a guarded
19 frequency, and, and making people understand that sometimes
20 good things aren't cheap and cheap things aren't good.

21 Q All paging companies are 24-hours-a-day service, I
22 presume, aren't they, Mr. Raymond?

23 A No, sir. Absolutely not.

24 Q RAM Technologies service was not 24 hours a day?

25 A I have never had a pager from them so I can't answer

1 that. I've never called them at 2 o'clock in the morning to
2 tell them my pager was broke.

3 Q You have no reason to doubt that RAM's service was
4 24 hours a day.

5 A I have no reason to say they were, sir.

6 Q This would go a lot quicker if you'd answer my
7 questions, Mr. Raymond. You have no reason to doubt that
8 their service was not 24 hours a day.

9 A At some points, yes, I am. I'll answer it that way.

10 Q So, getting back to my original question, the things
11 that you just discussed to me, it seems like those are service
12 differences. Is that fair to say?

13 A Service, quality, yes, sir.

14 Q Now, you had at one time a customer called Mutual
15 Wholesalers, Mr. Raymond?

16 A I have no, no idea, sir.

17 Q You spoke with a gentleman by the name of Len
18 Rogers, the president of Mutual Wholesalers, about paging
19 service back in 1990?

20 A I have no idea, sir.

21 Q Would you take a look at your Capitol Exhibit
22 No. 4, page 10? Do you have that in front of you?

23 A Yes, sir.

24 Q All right. You see it's a declaration of Bruce
25 Kelleck?

1 A Yes, sir.

2 Q He says in the second paragraph, "When advised by
3 Capitol Paging that that Len Rogers, president of Mutual
4 Wholesalers, had cancelled service with RAM Paging I contacted
5 Mr. Rogers for his comments." Do you see that?

6 A Um-hum.

7 Q Okay. It says, "Mr. Rogers stated that Capitol
8 Paging had advised him that he was using a party-line
9 frequency which would cause him to miss his pages due to the
10 frequency busying out. He further produced a photocopy of the
11 following documents which were faxed to him by Mike Raymond of
12 Capitol Paging."

13 A Um-hum.

14 Q Are you saying that you never faxed him those
15 documents?

16 A No, sir, I'm, I'm not. No, sir, I'm not saying
17 that.

18 Q Okay. So, you, you did fax him those documents?

19 A This is 1990. I talked to probably a thousand
20 people a week. I, I have no reason to doubt, I'll put it that
21 way, but I cannot testify that I did.

22 Q Okay. So, you, you just didn't remember before when
23 I asked you?

24 A Yeah, that's very possible.

25 Q Okay. So, you have no reason to doubt the statement

1 was made by Capitol Paging that Mr. Rogers was using a party-
2 line frequency? Because I believe you just used that earlier
3 today in your testimony, correct?

4 MR. HARDMAN: Your Honor, I'm going to object to
5 this line of questioning. This is -- this declaration is
6 hearsay, it was attached to a RAM -- it's in there only for
7 the sake of completeness of the document. The witness has
8 testified that he doesn't remember talking to this person so I
9 fail to see the relevance of exploring the -- you know, what,
10 what may or may not have transpired in this conversation of
11 fact session.

12 MR. JOYCE: I object to Mr. Hardman coaching the
13 witness, Your Honor.

14 JUDGE CHACHKIN: Well, the witness testified that he
15 doesn't recall speaking to this individual. Now, you haven't
16 produced this individual. If the witness doesn't recall
17 speaking to this individual, then how --

18 MR. JOYCE: I'm not asking Mr. Raymond to testify
19 about what this individual said. I'm asking him a bunch of
20 different questions that have nothing to do with hearsay. The
21 witness is on the stand and I believe I'm allowed to explore
22 this area of inquiry with him.

23 JUDGE CHACHKIN: What, what is your pending
24 question?

25 BY MR. JOYCE:

1 Q You have no reason to doubt the statement here do
2 you, Mr. Raymond, that Capitol Paging had advised this
3 particular customer that using RAM's service would be like
4 using a party-line service. Isn't that correct?

5 MR. HARDMAN: And my objection, Your Honor, is to
6 relevance, whether, whether this witness or any other witness
7 doubts a hearsay statement is, is irrelevant to anything that
8 I can figure out in this proceeding.

9 MR. JOYCE: This is going to be a very long day,
10 Your Honor, if Mr. Hardman continues to make objections to the
11 documents that he's already moved into --

12 JUDGE CHACHKIN: But he didn't put it -- he put it
13 in to show for the completeness of the record that this was
14 filed by RAM. If this witness doesn't recall speaking to this
15 individual how could he have doubt or not doubt about what
16 this man said?

17 MR. JOYCE: He's given me two --

18 JUDGE CHACHKIN: He can't --

19 MR. JOYCE: -- different answers, Your Honor. First
20 he told me he doesn't remember. Then when he looked at the
21 document which I can use to refresh his recollection or to
22 impeach him, I can use it for any purpose outside of
23 hearsay --

24 JUDGE CHACHKIN: Well, you can't impeach him unless
25 somehow -- well, you bring Mr. Kelleck in.

1 MR. JOYCE: When I showed the document to him and he
2 suddenly remembered that he did fax these documents to him,
3 Your Honor, I believe I'm allowed to proceed with this --

4 MR. HARDMAN: That's a mischaracterization of the
5 witness's answer and that's, that's part of my problem with
6 the line of questions. The question is propounded and then
7 the answer is mischaracterized for purposes of propounding
8 follow-up.

9 JUDGE CHACHKIN: Now, you want to ask this witness
10 whether he recalls faxing these documents, you can ask him
11 that.

12 MR. JOYCE: I did ask him.

13 JUDGE CHACHKIN: And what's his response? Do you
14 recall whether or not you faxed these documents to
15 Mr. Kelleck?

16 MR. JOYCE: He said yes.

17 JUDGE CHACHKIN: Do you recall whether you faxed
18 these documents to Mr. Kelleck?

19 MR. RAYMOND: I think my answer was that I don't
20 recall, but I have no reason to doubt that I could have.

21 JUDGE CHACHKIN: And what's your next question?

22 BY MR. JOYCE:

23 Q You referred earlier today to the fact that you
24 referred to PCP as party-line service. Isn't that correct,
25 Mr. Raymond?

1 A No, I, I think I called it shared, but I have no
2 problem in calling it a party-line service, sir.

3 Q Well, I can have the court reporter read back your
4 testimony where you used the term party line a couple of
5 times, Mr. Raymond.

6 JUDGE CHACHKIN: Well, he says he had no problem
7 with using the word party line.

8 BY MR. JOYCE:

9 Q But isn't it true, Mr. Raymond, that Capitol
10 actually had a fairly aggressive advertising campaign where
11 you referred to PCP service as party-line service? Isn't that
12 true?

13 A In any type of advertisement when I was advertising
14 our RCC frequency, I did use the term party line.

15 Q Mr. Mr. Raymond, on Friday you said that you had no
16 knowledge about how busy RAM was, and I don't want to get an
17 objection from Mr. Hardman about mischaracterizing your
18 testimony on Friday so correct me if I mis-state it. But I
19 believe when I asked you whether or not you were aware of the
20 amount of traffic that RAM had on 152.48 or how many
21 customers, you said you had absolutely no idea. Isn't that
22 true?

23 A If you say that's what I said, I believe that.

24 Q Well, tell me what you said, Mr. Raymond, so that I
25 don't --

1 A Well, I do not monitor like a technician does. I
2 did not monitor until we, we applied for our license.

3 Q Now, according to this declaration, it says one of
4 the documents you faxed here included copies of traffic charts
5 and graphs recently filed by RAM Paging with NABER. So isn't
6 it possible that you were aware of RAM's traffic well prior to
7 your applying for a PCP license?

8 A Well, I'm going to assume that you're saying this
9 was filed prior to our, our application with NABER, or was
10 that afterwards? Because afterwards I was quite aware of --
11 maybe, maybe I misunderstand your question. But once we
12 applied for our license monitoring was required. Mrs. Watson
13 asked me to do monitoring. I remember sometime later that RAM
14 submitted their own traffic study and saying that this channel
15 was so busy no one else could get on it. At that time, I
16 believe NABER asked me to monitor and send monitoring
17 requirements to them which I'd never been asked to send
18 anything to them before on, on, on the very first contact.
19 And, and I remember their charts quite well and they were
20 talking -- they were quite a high capacity. And if this was
21 true, and if I could speak from my marketing point which I
22 didn't believe it to be true. Because on our monitoring that
23 was sent to NABER it showed that it was not as busy as they
24 said. In fairness to the customers who require good service,
25 if RAM is saying they're this busy and no one else can get on